



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
15 August 2018

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 22 AUGUST 2018** at **9:30 AM**, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: 18/0007/LRB - PLOT 2, LAND NORTH WEST OF ASHLEA, CROFT DRIVE, OBAN**
 - (a) Notice of Review and Supporting Documentation (Pages 3 - 14)
 - (b) Comments from Interested Parties (Pages 15 - 26)
 - (c) Comments from Applicant (Pages 27 - 28)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Rory Colville (Chair)
Councillor Richard Trail

Councillor Graham Hardie

Contact: Hazel MacInnes Tel: 01546 604269

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Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE
18/0007/LRB
XXXXXXXXXX
Date Received 3 July 2018

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW	(2) AGENT (if any)
Name <input type="text" value="DUNDOLIE ESTATE"/>	Name <input type="text" value="ALLAN MACASKILL"/>
Address <input type="text" value="PER BELL INGRAM LTD"/>	Address <input type="text" value="5 FERRYFIELD RD"/>
<input type="text" value="BOSWELL HOUSE"/>	<input type="text" value="CONNEL"/>
<input type="text" value="ARGYLL SQ, OBAN"/>	<input type="text" value="BY OBAN"/>
Postcode <input type="text" value="PA34 4BD"/>	Postcode <input type="text" value="PA37 1SR"/>
Tel. No. <input type="text"/>	Tel. No. <input type="text" value="REDACTED"/>
Email <input type="text"/>	Email <input type="text" value="REDACTED"/>

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application
 (b) Date of Submission
 (c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

(6) Description of Proposal

ERECTOR OF DWELLINGHOUSE

(7)

Please set out the detailed reasons for requesting the review:-

SEE ATTACHED REASONS.
DOCUMENT NO 6

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (Note 3 paper copies of each of the documents referred to in the schedule below must be attached):

No.	Detail
1	REFUSAL OF PLANNING APPLICATION 17/03128/PP
2	APPROVAL OF PLANNING PERMISSION 14/02199/PP
3	REASONS FOR REFUSAL OF APPLICATION 17/03128/PP
4	PLAN OF FOOTPRINTS AND GARDEN AREAS
5	PLAN OF SITES BOTTOM AND TOP AND ASHLEA
6	REASONS FOR REQUESTING REVIEW.
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)



Dated

30 JUNE 2018

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review **UNLESS** further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604331 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to **Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT**
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604331 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

1



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 17/03128/PP

**Dunollie Estate Per Bell Ingram Ltd
Beaton And McMurphy Architects
The Studio
Tigh Na Glai
Taynuilt
Argyll
PA35 1JW**

I refer to your application dated 6th December 2017 for planning permission in respect of the following development:

**Erection of dwellinghouse
AT:
Plot 2 Land North West Of Ashlea Croft Drive Oban Argyll And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission for the above development for the **reasons(s)** contained in the attached appendix.

Dated: 13 April 2018

Angus J. Gilmour
Head of Planning, Housing and Regulatory Services

www.argyll-bute.gov.uk



2



Municipal Buildings Albany Street Oban PA34 4AW

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

PLANNING PERMISSION IN PRINCIPLE

REFERENCE NUMBER: 14/02799/PPP

**Dunollie Estate
Mr Allan Macaskill
5 Ferryfield Road
Connel
By Oban
PA37 1SR**

I refer to your application dated 20th November 2014 for planning permission in principle for the following development:

Site for the erection of one dwellinghouse (renewal of 11/01463/PPP)

AT:

Land To Northwest Of Ashlea Croft Drive Oban

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission in principle for the above development in accordance with the particulars given in the application form and docketed plans, subject however to the conditions and reasons on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 18 January 2015

Angus J. Gilmour
Head of Planning and Regulatory Services

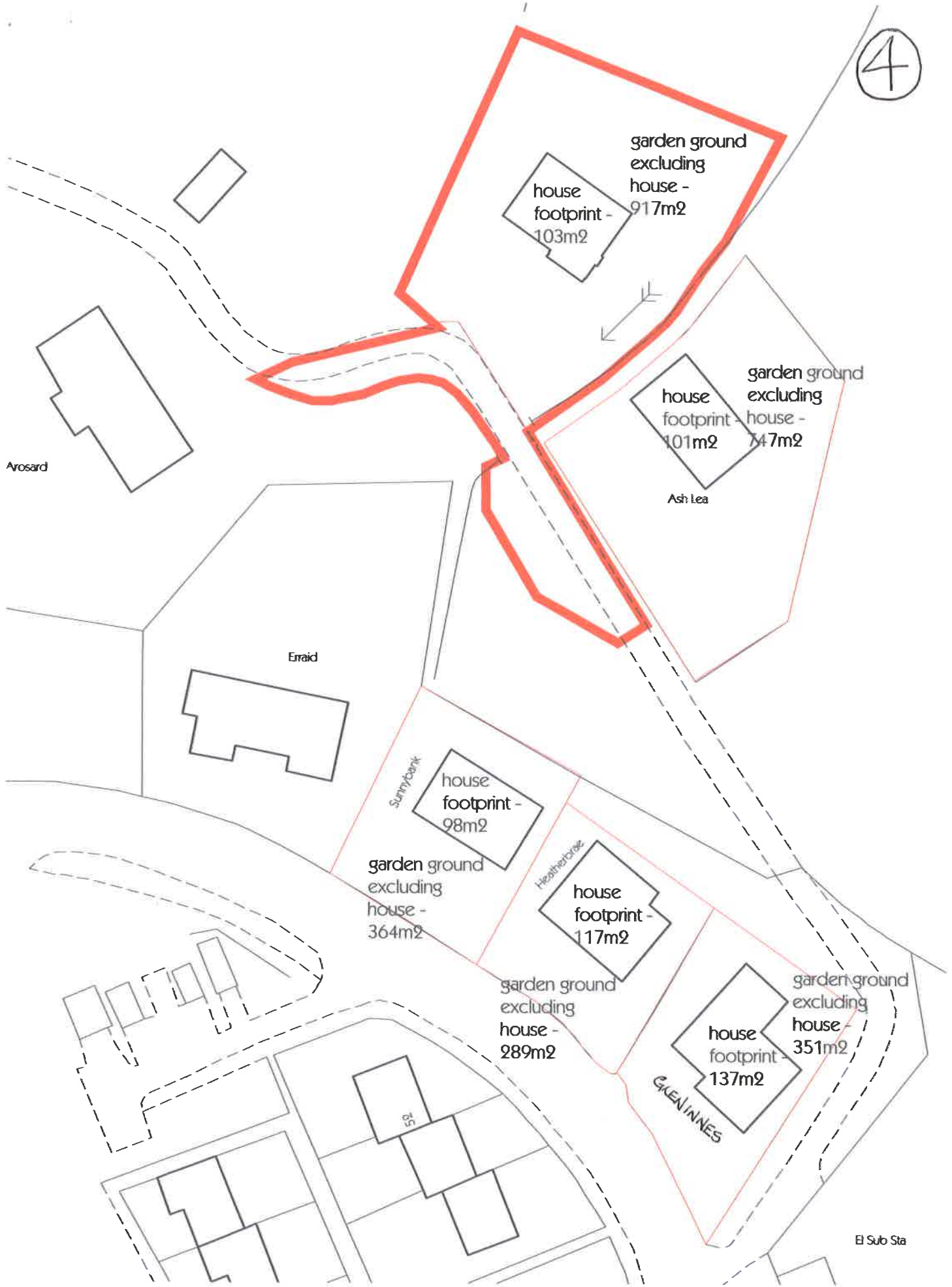
www.argyll-bute.gov.uk



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 17/03128/PP

1. The site subject of this application is the lower part of a larger site which has been subdivided contrary to the advice of the Planning Service with a detailed planning permission having been recently granted for development on the higher part of the site. The development of the lower site in addition to the consented development of the upper site would result in overdevelopment contrary to the provisions of Policy LDP 9 and SG 2 of the adopted 'Argyll and Bute Local Development Plan' 2015.
2. The proposed development would result in the intensification in vehicular use of a sub-standard private access road with no delineation between pedestrian or vehicular use. The improvements which would be required to upgrade the road that serves the proposed site cannot be achieved within the confines of the application site or other land within the applicant's control, and there is no indication that the applicant can complete any improvements remotely from the site. The proposal is therefore contrary to the provisions of Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015 which resist intensification in the use of sub-standard accesses and junctions, other than in cases where the improvements required can be achieved as part of the overall development. In the absence of such improvements the proposal is considered to be contrary to the interests of highway safety.

4





BOTTOM & TOP SITES OUTLINED IN RED TOTAL AREA 2317sqm
ASHLEA GARDEN AREA IN BLUE WITH FOOT PRINT 847sqm



REQUEST FOR REVIEW OF REFUSAL OF PLANNING PERMISSION REF: 17/03128/PP FOR THE ERECTION OF A DWELLING HOUSE ON PLOT 2 ON LAND NORTH WEST OF ASHLEA, CROFT DRIVE, OBAN PA34 5JN

Planning permission was submitted on 6 December 2017 for the erection of a dwelling house on the above site and a refusal issued on 13 April 2018 (Document No1). The principle of a dwelling house on the site was established by the granting of permission in principle Ref: 14/02799/PPP on 18 January 2015 (Document No.2) and application No 17/03128/PP was lodged within the lifetime of the previous permission. Therefore the site had planning permission in principle when the application, the subject of the Review was lodged.

Two reasons were given for the refusal. The first reason was on the grounds of over development of the site (Document No.3). This is clearly not the case and Document No.4 is attached showing a plan of the house footprints of neighbouring sites with the surrounding garden ground according to the Ordnance Survey. The nearest site is "Ashlea" and the ratio of houseprint to garden area is 101sq m to 747 sq m. Plot 2, the subject of the Review, is 103 sq m to 917 sq m.

Other houses nearby on Croft Road are as follows:-

Sunnybank 98 sq m to 364 sq m

Heatherbrae 117sq m to 289 sq m

Gleninnes 137 sq m to 351 sq m

When the plan is studied it is obvious that all the other sites have garden areas much less than the site under Review. Document No.5 clearly shows the two sites beside the site occupied by Ashlea.

The Handling Report refers to approval being given for a site above the site under Review. Again this site cannot be considered to be over developed as the footprint of the house is 78 sq m and the garden area 1219 sq m.

The Handling Report states that the site (ie the one under Review) was deemed to represent a suitable opportunity for development with a single dwelling house without any detrimental impact on the wider area. The siting and design of the proposed dwelling house is considered to be acceptable and would be supported by the Planning Service if the higher site was not developed. Development of both sites would represent overdevelopment contrary to the provisions of Policy LDP9 and SG2. The Handling Report states that the lower site could accommodate the proposed

dwelling house but that would be on the basis that there was no development on the higher site. The neighbouring site to the West under different ownership has planning permission for two sites. The area of the two sites is 2317 sq m and that site can easily accommodate two dwelling houses with garden areas greater than the nearby established houses.

The second reason for refusal (Document No.3) was because the road was not in the control of the applicant and therefore improvements could not be carried out. That is not correct as Dunollie Estate owns the road and the ground on the North alongside the road. The road to the site measures approximately 127 metres and the access already has a bituminous surface. A passing place has been formed approximately 33 metres from the junction of Croft Road. Any reasonable improvements can of course be implemented.

There are no objections from Statutory Consultees or members of the public and the reasons given for refusal cannot be substantiated. Therefore the Review Panel should give approval for application 17/03128/PP.

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STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION 17/03128/PP
ERECTION OF DWELLINGHOUSE – LAND
NORTHWEST OF ASHLEA, CROFT DRIVE, OBAN**

11 JULY 2018

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Dunollie Estate ('the appellant').

Planning permission 17/03128/PP for erection of dwellinghouse on land northwest of Ashlea, Croft Drive, Oban ('the appeal site') was refused under delegated powers on 13 April 2018.

The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site is an elevated area of land with a covering of gorse and scrub accessed from a private access track spurring from Croft Road. The site is bounded to the south by long established row of dwellinghouses adjacent to Croft Road with rough ground sloping upwards to the north and west.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:

- *Whether or not development of the site with a dwellinghouse represents overdevelopment and whether or not the proposal would result in the intensification of use of a sub-standard private access to the detriment of road and pedestrian safety.*

The Report of Handling (Appendix 1) sets out the Council's detailed assessment of the application in terms of Development Plan policy and other material considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant contends that the development of this site with a dwellinghouse would not represent overdevelopment and has submitted a plan showing the house to plot ratio of a number of dwellinghouses surrounding the site subject of this review.

The appellant refers to the fact that the ROH makes reference to the site representing a suitable opportunity for development with a single dwellinghouse with the siting and design of the dwellinghouse proposed considered to be acceptable.

Comment: The Planning Service accepted that the site subject of the review has the ability to accommodate the proposed dwellinghouse and therefore it is not clear why the house to plot ratios of the surrounding houses have been submitted. However, whilst the ROH makes reference to the site representing a suitable opportunity for development, the site subject of the review is the lower part of a larger site which has been sub-divided contrary to the advice of the Planning Service who remain of the view that the development of both the lower and higher sites, cumulatively, would represent overdevelopment of the wider site.

Full details outlining the complicated history of this site and its sub-division is provided in the ROH appended to this report.

The appellant also refers to the neighbouring site to the west which has planning permission for two sites which is noted by the Planning Service, however the overall site referred to is larger in size than the site subject of review and has more

opportunity to absorb the proposed development of two dwellinghouses into the landscape without creating an overdeveloped site.

The appellant further contends that any reasonable improvements to the private access could be undertaken as the appellant owns the road and the ground on the north alongside the access road.

Comment: The Roads Authority has been in discussion with the appellant previously regarding development within this area and has been advised that the private access is not of a suitable standard being too narrow with a poor junction at the public road and therefore not capable of accommodating further traffic over and above the permissions already granted. The application does not indicate that the appellant owns any other land other than the application site edged red to undertake any improvements to the junction or access.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Taking all of the above into consideration, as set out in the ROH appended to this Statement of Case, it remains the view of the Planning Service that development of the site with a dwellinghouse would represent overdevelopment of the wider site and also the intensification in use of a sub-standard private access road to the detriment of road and pedestrian safety.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1

Argyll and Bute Council
Development and Infrastructure

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 17/03128/PP

Planning Hierarchy: Local Development

Applicant: Dunollie Estate per Bell Ingram Ltd

Proposal: Erection of Dwellinghouse

Site Address: Plot 2, Land Northwest of Ashlea, Croft Drive, Oban

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse

(ii) Other specified operations

- Utilisation of existing vehicular access
 - Connection to public water main
 - Connection to public drainage system
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons appended to this report.

(C) HISTORY:

15/01983/PPP

Site for erection of dwellinghouse (revised location to 14/02799/PPP) – Granted: 28/08/15

14/02799/PPP

Site for the erection of one dwellinghouse (renewal of 11/01463/PPP) – Granted:
20/01/15

(D) CONSULTATIONS:

Area Roads Authority

Report dated 26/02/18 deferring decision as the applicant is attempting to split a building plot into two plots when they have been previously advised that no further development would be permitted off of this access. The applicant requires to decide which of the two plots he wishes to develop.

Scottish Water

Letter dated 16/02/18 not objecting to the proposal but providing comments on the positioning of the proposed passing place and the potential impact on Scottish Water infrastructure.

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 01/02/18.

(F) REPRESENTATIONS:

No representations have been received regarding the proposed development.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i)	Environmental Statement:	No
(ii)	An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:	No
(iii)	A design or design/access statement:	No
(iv)	A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:	No

(H) PLANNING OBLIGATIONS

(i)	Is a Section 75 obligation required:	No
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(I)	Has a Direction been issued by Scottish Ministers in terms of	No
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Regulation 30, 31 or 32:

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development
 LDP DM 1 – Development within the Development Management Zones
 LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
 LDP 4 – Supporting the Sustainable Development of our Coastal Zone

LDP 8 – Supporting the Strength of our Communities
 LDP 9 – Development Setting, Layout and Design
 LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles
 SG LDP ENV 14 – Landscape
 SG LDP HOU 1 – General Housing Development including Affordable Housing
 SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
 SG LDP TRAN 6 – Vehicle Parking Provision

(i) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

Argyll and Bute Sustainable Design Guidance, 2006
 Scottish Planning Policy (SPP), 2014
 Consultee Responses

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O)	Requirement for a hearing:	No
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(P) Assessment and summary of determining issues and material considerations

The principle of a dwellinghouse on the site subject of the current application was established by the granting of planning permission in principle 14/02799/PPP on 20 January 2015 which has since expired.

However, in 2015, the applicant sought pre-application advice from the Planning Service for a dwellinghouse on a higher site further to the north of the site approved under 14/02799/PPP and was advised by the Planning Service that, subject to revocation of 14/02799/PPP, the Planning Service would support an application for the alternative site. Revocation was considered necessary as it was considered that two dwellinghouses would represent overdevelopment of the site.

However, when planning permission in principle was granted for the higher site under 15/01983/PPP, a revocation was not undertaken but the report by the Planning Service at the time advised that *"In this instance it is not considered necessary to require revocation of the live planning permission in principle 14/02799/PPP as works cannot commence on this permission without the approval of matters specified in condition which would be withheld by the Planning Authority should an application be submitted"*.

It would appear that the landowner has since sold off the higher site which benefits from a live planning permission in principle as the Planning Service has a current application 17/03123/PP for the higher site currently with them for consideration.

Accordingly, in this instance, support cannot be given to the application for the lower site subject of the current application given the history of the site and pre-application advice given by the Planning Service to the landowner.

Whilst it is acknowledged that the current application was submitted within the lifetime of the planning permission in principle for the site, this has since expired with the site now not benefiting from any live permission. Furthermore, the existence of the live permission in principle for the higher site, and the pre-application advice given previously by the Planning Service to the applicant, represent material considerations.

With regards to the site, it is an elevated area of land with a covering of gorse and scrub accessed from a private access track spurring from Croft Road. The site is bounded to the south by long established row of dwellinghouses adjacent to Croft Road with rough ground sloping upwards to the north and west. The site was deemed to represent a suitable opportunity for development with a single dwellinghouse without any detrimental impact on the wider area. This application represents the detailed arrangements for the site proposing a modest one and a half storey pitched roof dwellinghouse finished in render with a natural slate or equivalent roof. The siting and design of the proposed dwellinghouse is considered to be acceptable and would be supported by the Planning Service if the higher site was not to be developed. Development of both sites would represent overdevelopment contrary to the provisions of Policy LDP 9 and SG 2.

The application proposes to utilise the existing vehicular access from Croft Road to serve the proposed dwellinghouse. The Area Roads Authority was consulted on the proposal and in their response deferred decision due to there currently being two applications seeking permission off of Croft Road which they deem as not suitable for further development over and above those sites already granted permission.

Accordingly, in this instance, as the Planning Service is not supporting the current application for the reasons outlined above, the proposal is contrary to the provisions of Policy LDP DM 11 and SG LDP TRAN 4 which seek to resist intensification in use of sub-standard accesses and junctions, other than in cases where the improvements required can be achieved as part of the overall development. In the absence of such improvements the proposal is considered to be contrary to the interests of highway safety.

The application indicates water supply and drainage via connection to the public systems. Scottish Water was consulted on the proposal and raised no objection but provided advisory comments for the applicant regarding the positioning of the proposed passing place and the potential impact on Scottish Water infrastructure. The proposal is considered acceptable in terms of Policy LDP DM 11 which seeks to ensure suitable infrastructure is available to serve proposed developments.

Accordingly, notwithstanding the above assessment that the lower site could accommodate the proposed dwellinghouse, this would be on the basis that there was no development on the higher site. However, due to the overall plot now having being sub-divided, and a proposal for a dwellinghouse on the higher site due to be granted by the Planning Service, the development of the lower site would represent overdevelopment. Furthermore, the Roads Authority has advised that private access is unable to accommodate additional traffic.

In light of the above the proposal is considered to be contrary to the requirements of Development Plan Policies LDP DM 9, LDP DM 11 and Supplementary Guidance SG 2 and SG LDP TRAN 4 and it is recommended that permission be refused for the reasons appended to this report.

(Q) Is the proposal consistent with the Development Plan:

Yes

(R) Reasons why planning permission should be refused

See reasons for refusal below.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
No

Author of Report: Fiona Scott Date: 22/03/18

Reviewing Officer: Tim Williams Date: 13.04.18

**Angus Gilmour
Head of Planning**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 17/03128/PP

1. The site subject of this application is the lower part of a larger site which has been sub-divided contrary to the advice of the Planning Service with a detailed planning permission having been recently granted for development on the higher part of the site. The development of the lower site in addition to the consented development of the upper site would result in overdevelopment contrary to the provisions of Policy LDP 9 and SG 2 of the adopted 'Argyll and Bute Local Development Plan' 2015.
2. The proposed development would result in the intensification in vehicular use of a sub- standard private access road with no delineation between pedestrian or vehicular use. The improvements which would be required to upgrade the road that serves the proposed site cannot be achieved within the confines of the application site or other land within the applicant's control, and there is no indication that the applicant can complete any improvements remotely from the site. The proposal is therefore contrary to the provisions of Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015 which resist intensification in the use of sub-standard accesses and junctions, other than in cases where the improvements required can be achieved as part of the overall development. In the absence of such improvements the proposal is considered to be contrary to the interests of highway safety.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **17/03128/PP**

- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

- (B)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

- (C)** The reason why planning permission has been refused.

See reasons for refusal above.

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COMMENTS ON THE STATEMENT OF CASE BY ARGYLL & BUTE COUNCIL ON THE REFUSAL OF PLANNING PERMISSION 17/03128/PP FOR THE ERECTION OF A DWELLING HOUSE ON LAND NORTH WEST OF ASHLEA, CROFT DRIVE, OBAN, PA34 5JN

The Council concedes that the site the subject of the Review has the ability to accommodate the proposed dwelling house. The Planning application was lodged on 6 December 2017 before the permission in Principle for the site had expired reference 14/02799/PPP. (Document No.2 was submitted).

The Council states that the development of the two sites would constitute over development. The house to plot ratios was submitted to show that the development of the two sites is clearly not overdevelopment. The two sites would have garden areas of 2136 sq m which is clearly not overdevelopment. A site inspection has been requested and the members of the Review Panel, if they attend, will see the two sites and the neighbouring plots e.g. Ashlea which is much smaller.

The bottom site is in an elevated position with a covering of gorse and scrub and as it can easily accommodate a dwelling house the area would undoubtedly benefit from being landscaped with a house and garden in this residential area.

The access is owned by the appellant and reasonable improvements for the addition of one dwelling house can be implemented. The Road Engineer has not specified what improvements are necessary. Croft Drive which leads off Croft Road already has a bituminous surface. The junction is no worse than others in the surrounding area as it is located in a 20mph zone.

The Report of Handling states that the site under Review was deemed to represent a suitable opportunity for development with a single dwelling house without any detrimental impact on the wider area.

The appellant therefore requests the Review Panel to grant Planning Permission as the application is not contrary to the Local Development Plan. There are no reasons why planning permission should be refused.

26 July 2018

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